

Exhibit 4

Mon, Jun 12, 2006 1:28 PM

**From:** Earl Davis <mellowpad@earthlink.net>  
**To:** Andrew Kelley <akelly@salander.com>  
**Date:** Monday, June 12, 2006 1:28 PM  
**Subject:** Stuart Davis Inventory, etc....

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Dear Andy -

Before Larry went in for his 'procedure' he was supposed to meet with me on Monday - during which time he was to provide me with a list of the location of the significant number of works from my collection that I was surprised to learn are Not at the gallery. He was also going to provide me with letters of agreement regarding recent promises of various outstanding payments due me. Now that his surgery has only added to his own complex list of pressing matters to attend to - I have been reduced to a position of such powerlessness and anxiety that I can no longer tolerate the process of having to insist myself upon Larry's attention to get him to follow up on all his promises. It is, therefore, truly as a last resort that I submit this list to you of my immediate concerns and requirements and ask your personal involvement in making sure that my stated requests will be responded to and resolved immediately.

1- I want Everyone involved in sales of my father's work at the gallery to be clearly and unambiguously notified that I wish to Completely Suspend any and all offerings of such works for sale until after such time that they have each been physically returned to my possession and a more reliable system of accounting and record keeping has been established at the gallery.

2- I wish to receive a copy of Larry's promised list of the location of all my works that are not at the gallery Immediately! and I would like you to personally intercede in instructing Bill Tib... or whomever else at the gallery will be responsible for reporting to me directly regarding the status of having such works, in addition to ALL other works that are at the gallery returned to my possession within the next two weeks. It has been absolutely humiliating and anxiety provoking for me to have to feel strung along without answers to this most fundamental question that any artist or artist's estate should ever have to worry about - as to what works on consignment might otherwise be unaccountable for? With a staff as large as the gallery has - I refuse to believe that Larry is the only person who can be responsible for providing me with such a list or for making such arrangements. Larry has proven himself incapable of following through on these simple promises - nor should he have to be involved in micro-managing such documentary details.

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3- Larry worked out a deal over the last month through Leigh for the sale of a group of my father's works on paper - for \$600,000 (according to what I was last told). After my modification and final approval of the list that was initially supplied - according to Leigh - Larry went ahead and threw in another major ink drawing without seeking my permission (as I requested and both he and Leigh had agreed). In addition, Larry also indicated that this was to be a 'cash on the table' transaction. I am therefore expecting that the gallery has already received this allotted sum for these works - in which case I must demand payment immediately - before such money is 'allocated' for other purposes. Although I am no longer certain of your own role at the gallery these days, Andy, having been accustomed to receiving simple letters of receipt for any such sales from you, I would appreciate if you could ensure that I be sent a formal letter of receipt for the list of works included in this sale. A mutually acceptable consideration will have to be negotiated that will take out of the gallery's commission for the unapproved inclusion of the ink drawing - Drugstore Reflection - or any other works that may have been included without my approval.

4- There is also the most immediate and pressing matter of the sale of "Punchcard Flutter" which Larry negotiated with me over a month ago. At that time he promised payment the very same week. He subsequently explained that this period would need to be extended to one month and he then tacked on another week for paperwork processing. The sale amount was for \$2,250,000 (to my knowledge) and the gallery's commission is to be 20% on the first \$1,000,000 and 10% on the balance. Tues, June 13th, marks the end of the fifth week according to Larry's last promise and I must therefore demand the immediate receipt of such money (according to our previously established wire-transfer procedure). If this money is not received during the course of the forthcoming business week, I must hereby formally request the notification to the collector of the cancellation of this sale and the immediate return of the painting.

There are also various outstanding matters related to Larry's various other promises regarding money due me from the recent sale of 4 major paintings, as well as two separate 'pre-sold' partnerships and copies for me of the various contracts with the collectors for such sales, but these can be addressed separately.

Sorry to dump this in your lap, Andy - but at this point you are the only person I know at the gallery who is capable of being accountable to me. I look forward to your email responses to the above items at your earliest convenience.

Thank you,

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Earl Davis <mellowpad@earthlink.net>